

REMARKS

I. Formal Matters

Claims 1-9 are currently pending in this application, of which claims 2 and 4 are hereby cancelled without prejudice or disclaimer. As an initial matter, Applicant thanks the Examiner for acknowledging the claim to priority under 35 U.S.C. §119 and for confirming receipt of a certified copy of the priority document. In addition, Applicant thanks the Examiner for returning an initialed Form PTO/SB/08 A&B in connection with the Information Disclosure Statement filed on November 14, 2003.

Applicant notes that the PTO 1449 Forms submitted with Information Disclosure Statements filed July 2, 2003, and June 1, 2001, are signed, but the references are not initialed by the Examiner (rather, the Examiner has crossed through each reference). Applicant submits, however, that all references are properly submitted in conformance with MPEP §609. Accordingly, Applicant is submitting herewith duplicate copies of the PTO 1449 forms for the Examiner's initial and signature.

If the Examiner continues to refuse to initial the references, Applicant respectfully requests that the Examiner provide, in the next Office Action, the reasons why the Information Disclosure Statements of July 2, 2003 and June 1, 2001 are believed to *not* conform to MPEP §609.

II. Claims

The Examiner has objected to claims 1-9, and in particular, to claims 1, 2, 3, 4 and 5. By this Amendment, Applicant submits that such objections are overcome.

Further, the Examiner has rejected claims 6-8 under 35 U.S.C. §112, second paragraph. By this Amendment, Applicant submits that such rejections are overcome.

Since no prior art references have been applied to claims 3 and 5-9, Applicant submits that claims 3 and 5-9 are now clearly in condition for allowance.

Further, Applicant has added new claims 10 and 11. Applicant submits that claim 10 is patentable at least by virtue of its dependency upon claim 1, and claim 11 is patentable for at least analogous reasons as presented below for claim 1.

III. Rejection under 35 U.S.C. § 102(e)

Claim 1 is rejected under 35 U.S.C. §102(e) as being allegedly anticipated by *Mesko* (U.S. Patent No. 6,327,299). Applicant respectfully traverses this rejection in view of the following remarks.

Mesko discloses summing (either by 72, summing signals from couplers 74 and 76 or by 80 which inherently sums signals from 60 and 62) of dual RF signals from a diversity transmitter 20 before inputting the summed RF signal into a signal quality measurer 70 via a RF down-

converter (Fig. 1; col. 3, lines 3-4; col. 4, lines 14-17; col. 4, lines 36-38; col. 4, lines 47-50, 14).

Mesko discloses a summed signal for input into a comparator/delay controller.

In contrast, Applicant claims detectors, for detecting RF signals (from each of the transmission units) and outputting a detection signal from two detectors to a (one) comparator when an RF signal is detected, where the one comparator compares the detection signals corresponding to each of the two transmission units (claim 1).

At least for failing to disclose comparison of detected RF signals from each of the two transmission units, Applicant asserts that the alleged anticipation by *Mesko* under 35 U.S.C. §102(e) should be withdrawn.

IV. Conclusion

In view of the preceding remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

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Respectfully submitted,



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AMENDMENTS TO THE DRAWINGS

Pursuant to the Examiner's requirement set forth on page 2 of the Office Action, Applicant submits concurrently herewith a replacement sheet for Fig. 1 labelled as --Related Art--. In addition, pursuant to the Examiner's objection under 37 C.F.R. §1.83(a), new Fig. 2a is provided to show the features of claims 6, 7 and 8.

Attachments: Two (2) Replacement Sheets illustrating Figs. 1 and 2a